

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SIDNEY MANES, Administrator of the Estate of
HECTOR RIVAS,

Plaintiff,

VS.

ONONDAGA COUNTY, CITY OF SYRACUSE,
WILLIAM FITZPATRICK, DR. ERIK MITCHELL,
AND "JOHN DOES 1-10",

Defendants.

NOTICE OF MOTION

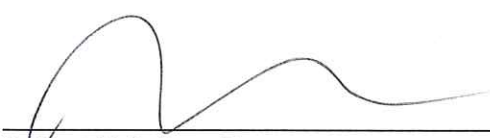
Civil Action No. 5:19-cv-844
(BKS/TWD)

PLEASE TAKE NOTICE that Defendant Erik Mitchell requests that the Court grant Defendant's motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, and dismissing the Complaint and all claims as against the above-named Defendant in their entirety.

In support of Defendant's motion, I submit the following documents:

- Affirmation of Attorney Robert F. Julian, Esq., affirmed the 31 day of October, 2024, with all exhibits annexed thereto;
- Affirmation of Defendant Erik Mitchell, affirmed the 23 day of October, 2024;
- Statement of Undisputed Material Facts dated October 31, 2024;
- Memorandum of Law in Support of Defendant's Motion.

Dated: October 31, 2024



Robert F. Julian, Esq.

Bar Roll # 601157

Robert F. Julian, P.C.

Attorneys for Defendants William Fitzpatrick

And Dr. Erik Mitchell

Office and Post Office Address

2037 Genesee Street

Utica, New York 13501

(315) 797-5610

To: Joshua S. Moskovitz, Esq.
HAMILTON CLARKE, LLP
Attorneys for Plaintiff
Office and Post Office Address
48 Wall Street, Suite 1100
New York, New York 10005

Scott A. Korenbaum, Esq.
Attorneys for Plaintiff
14 Wall Street, Suite 1603
New York, New York 10005

Rob Rickner, Esq.
RICKNER PLLC
Attorneys for Plaintiff
14 Wall Street, Suite 1603
New York, New York 10005

John E. Heisler, Jr., Esq.
ONONDAGA COUNTY DEPARTMENT OF LAW
Attorneys for Defendants Onondaga County
421 Montgomery Street, 10th Floor
Syracuse, New York 13202

Mark A. Ventrone, Esq.
ONONDAGA COUNTY DEPARTMENT OF LAW
Attorneys for Defendants Onondaga County
421 Montgomery Street, 10th Floor
Syracuse, New York 13202